

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED  
PEOPLE, *et al.*,

Plaintiffs,

v.

BUREAU OF THE CENSUS, *et al.*,

Defendants.

No. 8:18-cv-891

Hon. Paul W. Grimm  
United States District Judge

**MOTION TO CONTINUE HEARING  
DUE TO LAPSE OF APPROPRIATIONS**

Defendants move under 31 U.S.C. § 1342 to continue the hearing on the motion to dismiss scheduled for 1:00 p.m. on January 14, 2019 (*see* ECF No. 51), until Congress has restored appropriations to the U.S. Department of Justice and U.S. Department of Commerce. The grounds for this motion are as follows:

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the U.S. Department of Justice expired and appropriations for the Department lapsed. The same is true for Defendant U.S. Department of Commerce. It is unknown at this time when Congress will restore funding.

2. Without appropriations, Department of Justice and Department of Commerce employees are prohibited from working on these cases, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. The government thus requests that the January 14, 2019 hearing on the motion to dismiss be continued until Congress has restored appropriations to the Departments of Justice and Commerce.

4. If this motion for a stay is granted, the government will notify the Court as soon as Congress has appropriated funds for the Department of Justice and Department of Commerce. The government requests that, at that point, the hearing be rescheduled at the Court’s convenience.

Undersigned counsel regrets any disruption to the Court and other litigants.

Dated: January 2, 2019

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

BRETT A. SHUMATE  
Deputy Assistant Attorney General

JOHN R. GRIFFITHS  
Director, Federal Programs Branch

CARLOTTA P. WELLS  
Assistant Director, Federal Programs Branch

/s/ Stephen Ehrlich  
GARRETT COYLE  
STEPHEN EHRLICH  
CAROL FEDERIGHI  
MARTIN M. TOMLINSON  
Trial Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street NW  
Washington, DC 20005  
Tel.: (202) 305-9803  
Fax: (202) 616-8470  
Email: stephen.ehrlich@usdoj.gov

*Counsel for Defendants*